



State of Tennessee
Department of Environment and Conservation
Division of Solid Waste Management – Solid Waste Program
5th Floor, 401 Church Street
Nashville, TN 37243

APPLICANT DISCLOSURE STATEMENT

INSTRUCTIONS: Maintain a copy of your disclosure statement for your records. Submit the disclosure statement and supporting documentation to the address above.

1. APPLICANT'S COMPLETE NAME _____
NAME OF APPLICANT'S BUSINESS _____
STATE OF INCORPORATION (if applicable) _____
FEDERAL TAX I.D. NUMBER _____
BUSINESS ADDRESS _____
MAILING ADDRESS _____

2. Give a brief description of the structure of the business (e. g.. partnership, sole proprietorship, corporation, association).
3. List the names, addresses, and titles of all officers, directors or partners of the applicant, of any parent or subsidiary corporation if the applicant is a corporation, and of any person owning 10% or more interest in the applicant company.
4. List the name and address of all facilities in the field of solid or hazardous waste management in which the applicant business or any of its officers, directors, or partners, holds a 10% or greater interest and the name of the officer, director or partner holding such interest.
5. List the names of all key personnel, including titles and positions held.
6. List all permits and licenses relating to solid and/or hazardous waste management presently held by the applicant(s), including facility name, location, permit or license number and name of issuing authority or agency.
7. List all permits and licenses relating to solid and/or hazardous waste management presently held by the applicant(s) within the last ten (10) years not listed previously. Include facility name, location, permit or license number and name of issuing authority or agency.
8. List the name and address of solid and/or hazardous waste facilities constructed and operated by any parent or subsidiary corporation, if the applicant is a corporation.
9. List all judicial and/or administrative orders issued for the violations of any state or federal environmental protection law which resulted in a fine or penalty within the five (5) year period immediately preceding the submission date of the applicant's permit application. Include in the description:
 - a. the style of the complaint
 - b. the case file number
 - c. the forms in which the complaint was filed
 - d. the identity of each state or federal agency involved with or named in the complaint
 - e. the amount of the fine(s) or penalty(s)
 - f. whether the fine or penalty has been paid
 - g. the identity and description of each law or regulation violated or alleged to have been violated and upon which fine(s) or penalty(s) is/are based
 - h. state whether the fine was the result of a settlement or agreed order, an administrative order or a court judgment
 - i. if litigation is ongoing, describe any orders or judgments entered and describe the current status of litigation

j. explain all corrective action measures performed to correct or mitigate the violations

10. List and explain all revocations, suspensions or denials of a license, permit, or equivalent authorization, which was issued within the past ten (10) years by any government entity and was issued pursuant to law, rule, or regulation relative to the collection, transportation, treatment, storage, or disposal of solid or hazardous waste. Include the date of the revocation, suspension, or denial and the name of the issuing agency or authority.
11. List and describe all criminal felony convictions entered against the applicant for the violation of any state or federal environmental protection law or regulation within the ten (10) years preceding the submission date of applicant's permit application. Include in the description:
- the style of the case
 - the case file number
 - the forum in which the conviction was entered
 - the date of judgment
 - the sentence imposed
 - the identity and a description of each law applicant was convicted of violating
 - whether the conviction was the result of a plea agreement of a trial
 - if currently on appeal, the status of the appeal

An individual, by executing this document on behalf of a corporation or other entity, certifies that she or he is duly authorized as defined in Rule 1200-1-7-.02(2)(a)7. and 8., to act on behalf of the corporation or other entity and provide the information contained herein.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information.

PRINT NAME _____

TITLE _____

SIGNATURE _____ DATE _____

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me by _____ this the
_____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

Any person who knowingly makes a false statement under oath or makes a false statement on an official document shall be guilty of a Class A misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) or by imprisonment of not greater than eleven (11) months twenty-nine days, or by both fine and imprisonment.

KEY PERSONNEL DISCLOSURE STATEMENT

APPLICANT'S NAME

1.
KEY PERSON'S COMPLETE NAME _____
STATE OF INCORPORATION (if applicable) _____
FACILITY ADDRESS _____
MAILING ADDRESS _____

2. Describe the relationship of the person in item 1 to the applicant.
3. List all permits or licenses relating to solid and for hazardous waste management presently held by person named in item 1.
4. List all permits or licenses related to solid and/or hazardous waste management held by the person listed in item 1 within the last five (5) years not previously listed.
5. List all judicial and/or administrative orders issued for the violations of any state or federal environmental protection law which resulted in a fine or penalty, within the five (5) years preceding the submission of this application for violation of any state or federal statute or local ordinance. Include the following information:
 - a. the style of the complaint
 - b. the case file number
 - c. the identity of all parties named in the complaint
 - d. the forum in which the complaint was filed
 - e. the identity of each state or federal agency involved with or named in the complaint
 - f. the amount of the fine(s) or penalty(s)
 - g. whether the fine or penalty has been paid
 - h. the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine(s) or penalty(s) is/are based
 - i. state whether the fine was the result of a settlement or agreed order, an administrative order or a court judgment
 - j. if litigation is ongoing, describe any orders or judgments entered and describe the current status of litigation
6. Describe all judgments of a criminal conviction of a felony entered against the person named in item 1 for the violation of any state or federal environmental protection law within the ten (10) years preceding the submission of this application. Include the following information:
 - a. the style of the case
 - b. the case file number
 - c. the forum in which the conviction was entered
 - d. the date of judgment
 - e. the sentence imposed
 - f. the identity and a description of each law applicant was convicted of violating
 - g. whether the conviction was the result of a plea agreement or a trial
 - h. if currently on appeal, the status of the appeal
7. List the name and address of all waste sites, waste facilities and solid waste management facilities in which the person named in item 1 has a financial interest, an equitable interest, or in which the person is an officer, director, or manager, and identify the nature of the person's interest or investment.

The undersigned hereby affirms or swears under penalty of perjury that the information provided in this statement is complete, true, and accurate.

PRINT NAME

TITLE

SIGNATURE

DATE

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me by _____ this _____ day
of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

Any person who knowingly makes a false statement on an official document shall be guilty of a Class A misdemeanor and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) or by imprisonment of not greater than ELEVEN (11) MONTHS TWENTY-NINE (29) DAYS or by both fine and imprisonment.

DISCLOSURE STATEMENT INSTRUCTIONS

1. All applicants for the issuance of a solid waste disposal facility permit and each person listed as key personnel by the applicant must complete the disclosure form.
2. Answer every question completely. If a question does not apply, enter “Not Applicable” or “N/A”.
3. If you need additional space to answer a question, insert additional pages immediately following the page on which the question you are answering appears.
4. Please type or print your answer.
5. The following definitions will be used to define terms used in the Disclosure Statement:
 - A. Applicant – means any person seeking a permit for a solid waste disposal facility.
 - B. Application – means the forms and accompanying documents filed in connection with the applicant’s request for a permit.
 - C. Business concern – means any corporation, association, firm, partnership, trust, sole proprietorship, or other form of commercial organization.
 - D. Debt liability – means bonds, debentures, notes, mortgages and loans of any kind, secured or unsecured, and other similar debt instruments.
 - E. Disclosure statement – means a statement submitted to the commissioner by the applicant which contains information concerning the past performance of the applicant(s) in waste management fields and persons owning or controlling or owned and controlled by the applicant.
 - F. Employed in a supervisory capacity – refers to any person, including a foreman, having been delegated authority which:
 1. is delegated in the interest of the employer,
 2. involves the exercise of the individual’s independent judgment,
 3. is not merely authority to perform a routine or clerical task, and,
 4. is authority to perform or effectively to recommend any one or more of the following actions: hiring, firing, transferring, suspending, laying off, recalling, promotion, discharging, assigning, rewarding, disciplining, directing, or adjusting grievances of employees whose duties or responsibilities involve, in whole or in part, the management of (including but not limited to the evaluation of, identification of, labeling of, and monitoring of the effects of), handling of, disposal of, transportation of, storage of, or treatment of, solid waste, infectious waste or hazardous waste.
 - G. Empowered to make discretionary decisions – refers to any person, including a foreman, who has been delegated authority, which:
 1. is delegated in the interests of the employer,
 2. involves the exercise of that individual’s independent judgment,
 3. is not merely authority to perform a routine or clerical task, and
 4. is authority which relates to any one or more of the following aspects of solid, infectious, or hazardous waste operations; the management of (including but not limited to evaluation of, identification of, labeling of, and monitoring of the effects of, handling of, disposal of, transportation of, storage of, or treatment of, solid waste, infectious waste or hazardous waste.
 - H. Equity – means any ownership interest in a business concern, including sole proprietorship, the shares of a partner, and stock in a corporation.

- I. Facility – means any site, location, tract of land, installation or building used, or to be used, for incineration, composting, landfilling, or other methods of disposal of solid wastes, for transfer of solid wastes, for the treatment or disposal of infectious wastes, or for the storage, treatment or disposal of hazardous waste, or any combination of these activities.
 - J. Key personnel – means any person:
 - 1. employed by the applicant in a supervisory capacity for the subject facility; or
 - 2. empowered to make discretionary decisions for the subject facility;
 - K. Operator – means the person responsible for the direct control or overall operation of a facility.
 - L. Owns or Controls – means holds or is able to control the purchase or sale of at least five (5) percent of the equity of a publicly traded corporation or twenty-five (25%) percent of the equity of any business concern, either directly or through a holding company or subsidiary.
 - M. Partner – means any person or persons who share profits and liability and have management powers of a partnership.
 - N. Person – means any person or persons who share profits and liability and have management powers of a partnership.
 - O. Sole proprietorship – means a form of business, other than a partnership or corporation, in which one person owns all the assets and is solely liable for all the debts of the business.
 - P. Subject facility – means the facility in the State of Tennessee for which the applicant seeks a permit.
- 6. Each disclosure statement must be supported by an affidavit attesting to the truth and completeness of the information disclosed. Any individual executing the disclosure statement on behalf of a corporation or other entity must certify that he or she is duly authorized to act on the behalf of the corporation or other entity.
 - 7. The Disclosure Statement(s) is incorporated into and becomes a part of the Permit Application. Failure to disclose or misrepresentation of any relevant fact constitutes cause of permit revocation.